

103^D CONGRESS
1ST SESSION

H. R. 382

To reform procedures for the imposition of capital punishment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. SOLOMON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reform procedures for the imposition of capital punishment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Capital Punishment
5 Procedures Act of 1993”.

6 **SEC. 2. DEATH PENALTY PROCEDURES.**

7 (a) IN GENERAL.—Title 18 of the United States
8 Code is amended by inserting after chapter 227 the follow-
9 ing:

1 **“CHAPTER 228—DEATH PENALTY PROCEDURES**

“Sec.

“3591. Sentence of death.

“3592. Factors to be considered in determining whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

2 **“§ 3591. Sentence of death**

3 “A defendant who has been found guilty of—

4 “(1) an offense described in section 794 or sec-
5 tion 2381 of this title;

6 “(2) an offense described in section 1751(c) of
7 this title, if the offense, as determined beyond a rea-
8 sonable doubt at a hearing under section 3593, con-
9 stitutes an attempt to murder the President of the
10 United States and results in bodily injury to the
11 President or comes dangerously close to causing the
12 death of the President; or

13 “(3) any other offense for which a sentence of
14 death is provided, if the defendant, as determined
15 beyond a reasonable doubt at a hearing under sec-
16 tion 3593 either—

17 “(A) intentionally killed the victim;

18 “(B) intentionally participated in an act,
19 contemplating that the life of a person would be
20 taken or intending that lethal force would be
21 used in connection with a person, other than

1 one of the participants in the offense, and the
2 victim died as a direct result of the act; or

3 “(C) intentionally and significantly partici-
4 pated in an act, knowing that the act created
5 a grave risk of death to a person, other than
6 one of the participants in the offense, such that
7 participation in the act constituted a reckless
8 disregard for human life, and the victim died as
9 a direct result of the act;

10 shall be sentenced to death if, after consideration of
11 the factors set forth in section 3592 of this title in
12 the course of a hearing held pursuant to section
13 3593 of this title, it is determined that imposition of
14 a sentence of death is justified. However, no person
15 may be sentenced to death who was less than 18
16 years of age at the time of the offense.

17 **“§ 3592. Factors to be considered in determining**
18 **whether a sentence of death is justified.**

19 “(a) MITIGATING FACTORS.—In determining wheth-
20 er a sentence of death is justified for any offense, the jury,
21 or if there is no jury, the court, shall consider each of
22 the following mitigating factors and determine which, if
23 any, exist:

24 “(1) MENTAL CAPACITY.—The defendant’s
25 mental capacity was significantly impaired, although

1 the impairment was not such as to constitute a de-
2 fense to prosecution.

3 “(2) DURESS.—The defendant was under un-
4 usual and substantial duress, although not such du-
5 ress as would constitute a defense to prosecution.

6 “(3) PARTICIPATION IN OFFENSE MINOR.—The
7 defendant was an accomplice whose participation in
8 the offense was relatively minor.

9 The jury, or if there is no jury, the court, shall consider
10 whether any other mitigating factor exists.

11 “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND
12 TREASON.—In determining whether a sentence of death
13 is justified for an offense described in section 3591(a), the
14 jury, or if there is no jury, the court, shall consider each
15 of the following aggravating factors and determine which,
16 if any, exist:

17 “(1) PREVIOUS ESPIONAGE OR TREASON CON-
18 VICTION.—The defendant has previously been con-
19 victed of another offense involving espionage or trea-
20 son for which a sentence of life imprisonment or
21 death was authorized by statute.

22 “(2) RISK OF SUBSTANTIAL DANGER TO NA-
23 TIONAL SECURITY.—In the commission of the of-
24 fense the defendant knowingly created a grave risk
25 of substantial danger to the national security.

1 “(3) RISK OF DEATH OF ANOTHER.—In the
2 commission of the offense the defendant knowingly
3 created a grave risk of death to another person.

4 The jury, or if there is no jury, the court, may consider
5 whether any other aggravating factor exists.

6 “(c) AGGRAVATING FACTORS FOR HOMICIDE AND
7 FOR ATTEMPTED MURDER OF THE PRESIDENT.—In de-
8 termining whether a sentence of death is justified for an
9 offense described in section 3591 (b) or (c), the jury, or
10 if there is no jury, the court, shall consider each of the
11 following aggravating factors and determine which, if any,
12 exist:

13 “(1) DEATH OCCURRED DURING COMMISSION
14 OF ANOTHER CRIME.—The death occurred during
15 the commission or attempted commission of, or dur-
16 ing the immediate flight from the commission of, an
17 offense under section 751 (prisoners in custody of
18 institution or officer), section 794 (gathering or de-
19 livering defense information to aid foreign govern-
20 ment), section 844(d) (transportation of explosives
21 in interstate commerce for certain purposes), section
22 844(f) (destruction of Government property by ex-
23 plosives), section 1118 (prisoners serving life term),
24 section 1201 (kidnaping), or section 2381 (treason)
25 of this title, section 1826 of title 28 (persons in cus-

1 today as recalcitrant witnesses or hospitalized follow-
2 ing a finding of not guilty only by reason of insan-
3 ity), or section 902 (i) or (n) of the Federal Aviation
4 Act of 1958 (49 U.S.C. App. 1472 (i) or (n) (air-
5 craft piracy)).

6 “(2) PREVIOUS CONVICTION OF OFFENSE FOR
7 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
8 MENT WAS AUTHORIZED.—The defendant has pre-
9 viously been convicted of another Federal or State
10 offense resulting in the death of a person, for which
11 a sentence of life imprisonment or death was author-
12 ized by statute.

13 “(3) PREVIOUS CONVICTION OF OTHER SERI-
14 OUS OFFENSES.—The defendant has previously been
15 convicted of two or more Federal or State offenses,
16 each punishable by a term of imprisonment of more
17 than one year, committed on different occasions, in-
18 volving controlled substances or the infliction of, or
19 attempted infliction of, serious bodily injury or death
20 upon another person.

21 “(4) GRAVE RISK OF DEATH TO ADDITIONAL
22 PERSONS.—The defendant, in the commission of the
23 offense, knowingly created a grave risk of death to
24 one or more persons in addition to the victim of the
25 offense.

1 “(5) HEINOUS, CRUEL, OR DEPRAVED MANNER
2 OF COMMISSION.—The defendant committed the of-
3 fense in an especially heinous, cruel, or depraved
4 manner.

5 “(6) PROCUREMENT OF THE OFFENSE BY PAY-
6 MENT.—The defendant procured the commission of
7 the offense by payment, or promise of payment, of
8 anything of pecuniary value.

9 “(7) COMMISSION OF THE OFFENSE FOR PAY-
10 MENT.—The defendant committed the offense as
11 consideration for the receipt, or in the expectation of
12 the receipt, of anything of pecuniary value.

13 “(8) SUBSTANTIAL PLANNING AND
14 PREMEDITATION.—The defendant committed the of-
15 fense after substantial planning and premeditation.

16 “(9) VULNERABILITY OF VICTIM.—The victim
17 was particularly vulnerable due to old age, youth, or
18 infirmity.

19 “(10) TYPE OF VICTIM.—

20 “(A) IN GENERAL.—The defendant com-
21 mitted the offense against—

22 “(i) the President of the United
23 States, the President-elect, the Vice Presi-
24 dent, the Vice-President-elect, the Vice-
25 President-designate, or, if there is no Vice

1 President, the officer next in order of suc-
2 cession to the office of the President of the
3 United States, or any person who is acting
4 as President under the Constitution and
5 laws of the United States;

6 “(ii) a chief of state, head of govern-
7 ment, or the political equivalent, of a for-
8 eign nation;

9 “(iii) a foreign official listed in section
10 1116(b)(3)(A) of this title, if that official
11 is in the United States on official business;
12 or

13 “(iv) a public servant who is a Fed-
14 eral judge, a Federal law enforcement offi-
15 cer, an employee (including a volunteer or
16 contract employee) of a Federal prison, or
17 an official of the Federal Bureau of Pris-
18 ons—

19 “(I) while that public servant is
20 engaged in the performance of official
21 duties;

22 “(II) because of the performance
23 of that public servant’s official duties;
24 or

1 “(III) because of that public
2 servant’s status as a public servant.

3 “(B) DEFINITIONS.—For purposes of sub-
4 paragraph (A) of this paragraph—

5 “(i) the term ‘Federal law enforce-
6 ment officer’ means a public servant au-
7 thorized by law or by a Government agency
8 or Congress to conduct or engage in the
9 prevention, investigation, or prosecution of
10 an offense;

11 “(ii) the term ‘Federal prison’ means
12 a Federal correctional, detention, or penal
13 facility, Federal community treatment cen-
14 ter, or Federal halfway house, or any such
15 prison operated under contract with the
16 Federal Government; and

17 “(iii) the term ‘Federal judge’ means
18 any judicial officer of the United States,
19 and includes a justice of the Supreme
20 Court and a magistrate.

21 The jury, or if there is no jury, the court, may consider
22 whether any other aggravating factor exists.

1 **“§ 3593. Special hearing to determine whether a sen-**
2 **tence of death is justified**

3 “(a) NOTICE BY THE GOVERNMENT.—If, in a case
4 involving an offense described in section 3591 of this title,
5 the attorney for the Government believes that the cir-
6 cumstances of the offense are such that a sentence of
7 death is justified under this chapter, he shall, a reasonable
8 time before the trial, or before acceptance by the court
9 of a plea of guilty, or at such time thereafter as the court
10 may permit upon a showing of good cause, sign and file
11 with the court, and serve on the defendant, a notice—

12 “(1) stating that the Government believes that
13 the circumstances of the offense are such that, if the
14 defendant is convicted, a sentence of death is justi-
15 fied under this chapter; and

16 “(2) setting forth the aggravating factor or fac-
17 tors, including a factor or factors not specifically
18 enumerated in section 3592, that the Government, if
19 the defendant is convicted, proposes to prove as jus-
20 tifying a sentence of death.

21 The court may permit the attorney for the Government
22 to amend the notice upon a showing of good cause.

23 “(b) HEARING BEFORE A COURT OR JURY.—If the
24 attorney for the Government has filed a notice as required
25 under subsection (a) and the defendant is found guilty of
26 an offense described in section 3591, the judge who pre-

1 sided at the trial or before whom the guilty plea was en-
2 tered, or another judge if that judge is unavailable, shall
3 conduct a separate sentencing hearing to determine the
4 punishment to be imposed. Prior to such a hearing, no
5 presentence report shall be prepared by the United States
6 Probation Service, notwithstanding the provisions of the
7 Federal Rules of Criminal Procedure. The hearing shall
8 be conducted—

9 “(1) before the jury that determined the de-
10 fendant’s guilt;

11 “(2) before a jury impaneled for the purpose of
12 the hearing if—

13 “(A) the defendant was convicted upon a
14 plea of guilty;

15 “(B) the defendant was convicted after a
16 trial before the court sitting without a jury;

17 “(C) the jury that determined the defend-
18 ant’s guilt was discharged for good cause; or

19 “(D) after initial imposition of a sentence
20 under this section, reconsideration of the sen-
21 tence under the section is necessary; or

22 “(3) before the court alone, upon motion of the
23 defendant and with the approval of the attorney for
24 the Government.

1 A jury impaneled pursuant to paragraph (2) shall consist
2 of 12 members, unless, at any time before the conclusion
3 of the hearing, the parties stipulate, with the approval of
4 the court, that it shall consist of a lesser number.

5 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
6 TORS.—At the hearing, information may be presented as
7 to any matter relevant to the sentence, including any miti-
8 gating or aggravating factor permitted or required to be
9 considered under section 3592 of this title. Information
10 presented may include the trial transcript and exhibits if
11 the hearing is held before a jury or judge not present dur-
12 ing the trial. Any other information relevant to a mitigat-
13 ing or aggravating factor may be presented by either the
14 attorney for the Government or the defendant, regardless
15 of its admissibility under the rules governing admission
16 of evidence at criminal trials, except that information may
17 be excluded if its probative value is outweighed by the dan-
18 ger of creating unfair prejudice, confusing the issues, or
19 misleading the jury. The attorney for the Government and
20 for the defendant shall be permitted to rebut any informa-
21 tion received at the hearing, and shall be given fair oppor-
22 tunity to present argument as to the adequacy of the in-
23 formation to establish the existence of any aggravating or
24 mitigating factor, and as to the appropriateness of impos-
25 ing a sentence of death in the case. The attorney for the

1 Government shall open the argument. The defendant shall
2 be permitted to reply. The attorney for the Government
3 shall then be permitted to reply in rebuttal. The burden
4 of establishing the existence of an aggravating factor is
5 on the Government, and is not satisfied unless the exist-
6 ence of such a factor is established beyond a reasonable
7 doubt. The burden of establishing the existence of any
8 mitigating factor is on the defendant, and is not satisfied
9 unless the existence of such a factor is established by a
10 preponderance of the information.

11 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or
12 if there is no jury, the court, shall consider all the informa-
13 tion received during the hearing. It shall return special
14 findings with respect to the mitigating and aggravating
15 factors concerning which information is received at the
16 hearing, stating—

17 “(1) whether some mitigating factor required to
18 be considered under section 3592 exists;

19 “(2) whether some aggravating factor required
20 to be considered under section 3592 exists; and

21 “(3) which specific mitigating or aggravating
22 factor or factors exist.

23 A finding under paragraph (1) or (2) that some mitigating
24 or aggravating factor exists must be unanimous. A finding
25 under paragraph (3) that a specific mitigating or aggra-

1 vating factor exists may be made by a majority of at least
2 nine members of the jury.

3 “(e) RETURN OF A FINDING CONCERNING A SEN-
4 TENCE OF DEATH.—If, in the case of—

5 “(1) an offense described in section 3591(a), an
6 aggravating factor required to be considered under
7 section 3592(b) is found to exist; or

8 “(2) an offense described in section 3591 (b) or
9 (c), an aggravating factor required to be considered
10 under section 3592(c) is found to exist;

11 the jury, or if there is no jury, the court, shall then con-
12 sider whether the aggravating factor or factors found to
13 exist sufficiently outweigh all the mitigating factors found
14 to exist to justify a sentence of death, or, in the absence
15 of a mitigating factor, whether the aggravating factor or
16 factors alone are sufficient to justify a sentence of death.
17 Based upon this consideration, the jury by unanimous
18 vote, or if there is no jury, the court, shall return a finding
19 as to whether a sentence of death is justified.

20 “(f) SPECIAL PRECAUTION TO ASSURE AGAINST DIS-
21 CRIMINATION.—In a hearing held before a jury, the court,
22 prior to the return of a finding under subsection (e) of
23 this section, shall instruct the jury that, in considering
24 whether a sentence of death is justified, it shall not con-
25 sider the race, color, national origin, creed, or sex of the

1 defendant or of any victim. The jury, upon return of a
2 finding under subsection (e) of this section, shall also re-
3 turn to the court a certificate, signed by each juror, that
4 consideration of the race, color, national origin, creed, or
5 sex of the defendant or any victim was not involved in
6 reaching the juror's individual decision.

7 **“§ 3594. Imposition of a sentence of death**

8 “Upon a finding under section 3593(e) of this title
9 that a sentence of death is justified, the court shall sen-
10 tence the defendant to death. Upon finding under section
11 3593(e) of this title that no aggravating factor required
12 to be found exists or that a sentence of death is not justi-
13 fied, the court shall impose any sentence other than death
14 that is authorized by law.

15 **“§ 3595. Review of a sentence of death**

16 “(a) APPEAL.—In a case in which a sentence of death
17 is imposed, the sentence shall be subject to review by the
18 court of appeals upon appeal by the defendant. Notice of
19 appeal must be filed within the time specified for the filing
20 of a notice of appeal. An appeal under this section may
21 be consolidated with an appeal of the judgment of convic-
22 tion and shall have priority over all other cases.

23 “(b) REVIEW.—The court of appeals shall review the
24 entire record in the case, including—

25 “(1) the evidence submitted during the trial;

1 “(2) the information submitted during the sen-
2 tencing hearing;

3 “(3) the procedure employed in the sentencing
4 hearing; and

5 “(4) the special findings returned under section
6 3593(d) of this title.

7 “(c) DECISION AND DISPOSITION.—

8 “(1) If the court of appeals determines that—

9 “(A) the sentence of death was not im-
10 posed under the influence of passion, prejudice,
11 or any other arbitrary factor; and

12 “(B) the information supports the special
13 findings of the existence of an aggravating fac-
14 tor or factors;

15 it shall affirm the sentence.

16 “(2) In any other case, the court of appeals
17 shall remand the case for reconsideration under sec-
18 tion 3593 or for imposition of another authorized
19 sentence as appropriate.

20 “(3) The court of appeals shall state in writing
21 the reasons for its disposition of an appeal of sen-
22 tence of death under this section.

23 **“§ 3596. Implementation of sentence of death**

24 “A person who has been sentenced to death pursuant
25 to this chapter shall be committed to the custody of the

1 Attorney General until exhaustion of the procedures for
2 appeal of the judgment of conviction and for review of the
3 sentence. When the sentence is to be implemented, the At-
4 torney General shall release the person sentenced to death
5 to the custody of a United States marshal, who shall su-
6 pervise implementation of the sentence in the manner pre-
7 scribed by law of the State in which the sentence is im-
8 posed. If the law of such State does not provide for imple-
9 mentation of a sentence of death, the court shall designate
10 another State, the law of which does so provide, and the
11 sentence shall be implemented in the manner prescribed
12 by such law. A sentence of death shall not be carried out
13 upon a person who lacks the mental capacity to under-
14 stand the death penalty and why it was imposed on that
15 person, or upon a woman while she is pregnant.

16 **“§ 3597. Use of State facilities**

17 “A United States marshal charged with supervising
18 the implementation of a sentence of death may use appro-
19 priate State or local facilities for the purpose, may use
20 the services of an appropriate State or local official or of
21 a person such as an official employed for the purpose, and
22 shall pay the costs thereof in the amount approved by the
23 Attorney General.”.

24 (b) CLERICAL AMENDMENT TO CHAPTER ANALY-
25 SIS.—Title 18, United States Code, is amended in the

1 chapter analysis of part II, by adding the following new
 2 item after the item relating to chapter 227:

“**228. Death penalty procedures** **3591**”;

3 **SEC. 3. CONFORMING AMENDMENT RELATING TO**
 4 **DESTRUCTION OF AIRCRAFT OR AIRCRAFT**
 5 **FACILITIES.**

6 Section 34 of title 18, United States Code, is amend-
 7 ed by striking out the comma after “imprisonment for
 8 life” and all that follows through the end of such section
 9 and inserting in lieu thereof a period.

10 **SEC. 4. CONFORMING AMENDMENT RELATING TO ESPIO-**
 11 **NAGE.**

12 Section 794(a) of title 18, United States Code, is
 13 amended by striking out the period at the end of the sec-
 14 tion and inserting in lieu thereof the following: “, except
 15 that the sentence of death shall not be imposed unless the
 16 jury or, if there is no jury, the court, further finds beyond
 17 a reasonable doubt at a hearing under section 3593 of this
 18 title that the offense directly concerned nuclear weaponry,
 19 military spacecraft and satellites, early warning systems,
 20 or other means of defense or retaliation against large-scale
 21 attack; war plans; communications intelligence or cryp-
 22 tographic information; sources or methods of intelligence
 23 or counterintelligence operations; or any other major
 24 weapons system or major element of defense strategy.”.

1 **SEC. 5. CONFORMING AMENDMENT RELATING TO TRANS-**
2 **PORTING EXPLOSIVES.**

3 Section 844(d) of title 18, United States Code, is
4 amended by striking out “as provided in section 34 of this
5 title”.

6 **SEC. 6. CONFORMING AMENDMENT RELATING TO MALI-**
7 **CIOUS DESTRUCTION OF FEDERAL PROP-**
8 **ERTY BY EXPLOSIVES.**

9 Section 844(f) of title 18, United States Code, is
10 amended by striking out “as provided in section 34 of this
11 title”.

12 **SEC. 7. CONFORMING AMENDMENT RELATING TO MALI-**
13 **CIOUS DESTRUCTION OF INTERSTATE PROP-**
14 **ERTY BY EXPLOSIVES.**

15 Section 844(i) of title 18, United States Code, is
16 amended by striking out “as provided in section 34 of this
17 title”.

18 **SEC. 8. CONFORMING AMENDMENT RELATING TO MURDER.**

19 The second paragraph of section 1111(b) of title 18,
20 United States Code, is amended to read as follows:

21 “Whoever is guilty of murder in the first degree shall
22 be punished by death or by imprisonment for life;”.

1 **SEC. 9. CONFORMING AMENDMENT RELATING TO KILLING**
2 **OFFICIAL GUESTS OR INTERNATIONALLY**
3 **PROTECTED PERSONS.**

4 Section 1116(a) of title 18, United States Code, is
5 amended by striking out “any such person who is found
6 guilty of murder in the first degree shall be sentenced to
7 imprisonment for life, and”.

8 **SEC. 10. MURDER BY FEDERAL PRISONER.**

9 (a) IN GENERAL.—Chapter 51 of title 18, United
10 States Code, is amended by adding at the end thereof the
11 following:

12 **“§ 1118. Murder by Federal prisoner**

13 “(a) Whoever, while confined in a Federal prison
14 under a sentence for a term of life imprisonment, murders
15 another shall be punished by death or by life imprison-
16 ment.

17 “(b) For the purposes of this section—

18 “(1) the term ‘Federal prison’ means any Fed-
19 eral correctional, detention, or penal facility, Federal
20 community treatment center, or Federal halfway
21 house, or any such prison operated under contract
22 with the Federal Government; and

23 “(2) the term ‘term of life imprisonment’ means
24 a sentence for the term of natural life, a sentence
25 commuted to natural life, an indeterminate term of

1 a minimum of at least 15 years and a maximum of
2 life, or an unexecuted sentence of death.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 51 of title 18, United States
5 Code, is amended by adding at the end the following:

“1118. Murder by Federal prisoner.”.

6 **SEC. 11. DEATH PENALTY RELATING TO KIDNAPPING.**

7 Section 1201(a) of title 18, United States Code, is
8 amended by inserting “and, if the death of any person re-
9 sults, shall be punished by death or life imprisonment”
10 after “or for life”.

11 **SEC. 12. DEATH PENALTY RELATING TO HOSTAGE TAKING.**

12 Section 1203(a) of title 18, United States Code, is
13 amended by inserting “and, if the death of any person re-
14 sults, shall be punished by death or life imprisonment”
15 after “or for life”.

16 **SEC. 13. CONFORMING AMENDMENT RELATING TO MAIL-**
17 **ABILITY OF INJURIOUS ARTICLES.**

18 The last paragraph of section 1716 of title 18, United
19 States Code, is amended by striking out the comma after
20 “imprisonment for life” and all that follows through the
21 end of such paragraph and inserting in lieu thereof a pe-
22 riod.

1 **SEC. 14. CONFORMING AMENDMENT RELATING TO PRESI-**
2 **DENTIAL ASSASSINATION.**

3 Subsection (c) of section 1751 of title 18, United
4 States Code, is amended to read as follows:

5 “(c) Whoever attempts to murder or kidnap any indi-
6 vidual designated in subsection (a) of this section shall be
7 punished—

8 “(1) by imprisonment for any term of years or
9 for life, or

10 “(2) by death or imprisonment for any term of
11 years or for life, if the conduct constitutes an at-
12 tempt to murder the President of the United States
13 and results in bodily injury to the President or oth-
14 erwise comes dangerously close to causing the death
15 of the President.”.

16 **SEC. 15. CONFORMING AMENDMENT RELATING TO MUR-**
17 **DER FOR HIRE.**

18 Section 1952A(a) of title 18, United States Code, is
19 amended by striking out “and if death results, shall be
20 subject to imprisonment for any term of years or for life,
21 or shall be fined not more than \$50,000, or both” and
22 inserting in lieu thereof “and if death results, shall be
23 punished by death or life imprisonment, or shall be fined
24 not more than \$250,000, or both”.

1 **SEC. 16. CONFORMING AMENDMENT RELATING TO**
2 **VIOLENT CRIMES IN AID OF RACKETEERING**
3 **ACTIVITY.**

4 Paragraph (1) of section 1952B(a) of title 18, United
5 States Code, is amended to read as follows:

6 “(1) for murder, by death or life imprisonment,
7 or a fine of not more than \$250,000, or both; and
8 for kidnapping, by imprisonment for any term of
9 years or for life, or a fine of not more than
10 \$250,000, or both;”.

11 **SEC. 17. CONFORMING AMENDMENT RELATING TO WRECK-**
12 **ING TRAINS.**

13 The second to the last paragraph of section 1992 of
14 title 18, United States Code, is amended by striking out
15 the comma after “imprisonment for life” and all that fol-
16 lows through the end of the section and inserting in lieu
17 thereof a period.

18 **SEC. 18. CONFORMING AMENDMENT RELATING TO BANK**
19 **ROBBERY.**

20 Section 2113(e) of title 18, United States Code, is
21 amended by striking out “or punished by death if the ver-
22 dict of the jury shall so direct” and inserting in lieu there-
23 of “or if death results shall be punished by death or life
24 imprisonment”.

1 **SEC. 19. CONFORMING AMENDMENT RELATING TO TER-**
2 **RORIST ACTS.**

3 Paragraph (1) of section 2331(a) of title 18, United
4 States Code, is amended to read as follows:

5 “(1)(A) if the killing is a first degree murder
6 as defined in section 1111(a) of this title, be pun-
7 ished by death or imprisonment for any term of
8 years or for life, or be fined under this title, or both;
9 or

10 “(B) if the killing is a murder other than a first
11 degree murder as defined in section 1111(a) of this
12 title, be fined under this title or imprisoned for any
13 term of years or for life, or both so fined and so
14 imprisoned;”.

15 **SEC. 20. DEATH PENALTY RELATING TO CONTROLLED SUB-**
16 **STANCES CASES.**

17 Section 408 of the Controlled Substances Act (21
18 U.S.C. 848) is amended by inserting after subsection (b)
19 the following:

20 “CONDITIONS FOR DEATH PENALTY

21 “(c) Any person who engages in a continuing criminal
22 enterprise shall be fined in accordance with subsection (a)
23 and imprisoned for life or sentenced to death if, while so
24 engaged, such person causes the death of another per-
25 son.”.

1 **SEC. 21. CONFORMING AMENDMENT RELATING TO AIR-**
2 **CRAFT HIJACKING.**

3 Section 903 of the Federal Aviation Act of 1958 (49
4 U.S.C. App. 1473) is amended by striking out subsection
5 (c).

6 **SEC. 22. APPLICATION TO UNIFORM CODE OF MILITARY**
7 **JUSTICE.**

8 Chapter 228 (relating to death penalty procedures)
9 of title 18, United States Code, does not apply to prosecu-
10 tions under the Uniform Code of Military Justice (10
11 U.S.C. 801 et seq.).

○

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